IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.9333 of 2005

Between:

Pawan Kumar Verma, S/o. Late Radheshyam Verma,

Hindu, aged about 26 years,

R/o. House No. 1-2-57 to 61, M.C.H. No. 1018,

Street No.6, Flat No. 407, Pasham Sathai Apartments,
Himayathnagar, Hyderabad.

..... PETITIONER

AND

1) The Commissioner of Police, Hyderabad City,
Basheerbagh, Hyderabad.

2) The Deputy Commissioner of Police,

Central Zone, Hyderabad City, Hyderabad.

3) The Assistant Commissioner of Police,
Abids Division, Abids, Hyderabad.

4) The Station House Officer, Abids P.S.,
Abids, Hyderabad.

5) Amraomal Kothari, aged about 45 years,
R/o. 3-6-136/1/2, Madina School Lane,

Himayathnagar, Hyderabad.

6) Swaroop Chand Kothari,
R/o. 3-6-136/1/2, Madina School Lane,

Himayathnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more one in the nature of WRIT OF HABEAS CORPUS and direct the respondents 1 to 4 to produce
Smt. Trishla wife of the petitioner who is under wrongful confinement of Respondents 5 and 6 before this Hon'ble High Court for setting her at liberty and for handing over
Smt. Trishla to the petitioner.

Counsel for the Petitioner: Sri M. SUBBA REDDY

Counsel for the Respondents 1 to 4: THE ADVOCATE GENERAL

Counsel for Respondents 5 and 6: Sri Vedula Venkata Ramana

The Court made the following :

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

The petitioner in this writ petition prays for issuance of Writ of Habeas Corpus directing respondents 1 to 4 to produce Smt. Trishla from the wrongful confinement of respondents 5 and 6.

In the affidavit filed in support of the writ petition, it is stated that the petitioner and the alleged detenue

Smt. Trishla got married on 11-04-2005 before the
Sub-Registrar, S.R.O., Kodambakkam, Chennai. It is stated that both of them were in deep love with each other and have decided to get married with the help of their friends and relatives. It is on the advice of the alleged detenue
Smt. Trishla, the petitioner and the alleged detenue got married on 11-04-2005 before the Sub-Registrar, S.R.O., Kodambakkam, Chennai, since it was not possible for them
to get married here at Hyderabad. It is alleged that respondents 5 and 6 are very wealthy and powerful persons and they were against their marriage. It is asserted that the marriage was performed as per the Hindu Marriage rites and customs. The marriage was consummated. The petitioner and the alleged detenue have returned to Hyderabad on
12-04-2005 and straight away went to the 3rd respondent – Assistant Commissioner of Police, Abids Division, Abids, Hyderabad, and submitted an application seeking protection as both of them were anticipating danger from the family members of the alleged detenue. Further details in this regard are not required to be noticed.

The sum and substance of the allegation is that
Smt. Trishla is illegally detained by respondents 5 and 6 and they are preventing her from meeting the petitioner. It is under those circumstances, the present writ petition has been filed.

The petitioner as well as the alleged detenue and respondents 5 and 6 are personally present in the Court.
We have interviewed Smt. Trishla in our chambers in detail. We have made repeated enquiries from the alleged detenue as to whether she is in illegal confinement of respondents 5 and 6 in any manner whatsoever. The alleged detenue in clear and categorical terms stated before us that she is not detained and is not kept in any illegal confinement as alleged by respondents 5 and 6. It is stated that she is voluntarily residing with her parents on her own volition. She denied of entering into any matrimonial alliance with the petitioner about which we do not propose to express any opinion whatsoever. In this writ petition we are concerned only with the question as to whether the alleged

detenue is residing with her parents on her own volition or has been detained and kept in illegal custody by respondents 5 and 6. In view of the clear and categorical statement by the alleged detenue, who is admittedly a major, we have no option except to hold that the alleged detenue is residing with her parents on her own free will and volition. The allegation of illegal detention is therefore not acceptable. Since the alleged detenue is major, it is for her to take an appropriate decision in the matter.

In this proceedings, it is not possible to express any opinion as to the validity or otherwise of the marriage between the alleged detenue and the petitioner. The remedies of the parties are left open.

For the aforesaid reasons, no further directions are required to be issued in this writ petition. The Writ Petition is accordingly closed.

It is brought to our notice by the learned Special Government Pleader that on the strength of the complaint given by the 5th respondent herein, the police have registered a case under "Girl Missing" and have taken up the investigation. It is for the investigating officer to take further steps without being influenced by any observations made in this order.

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B. SUDERSHAN REDDY, J

Date:26-04-2005.

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C.V. RAMULU, J

PV

To

1) The Commissioner of Police, Hyderabad City,
Basheerbagh, Hyderabad.

2) The Deputy Commissioner of Police,

Central Zone, Hyderabad City, Hyderabad.

3) The Assistant Commissioner of Police,
Abids Division, Abids, Hyderabad.

4) The Station House Officer, Abids P.S.,
Abids, Hyderabad.

5) Two C.Cs. to the Advocate General, High Court of A.P.,

Hyderabad.

6) Two C.D. copies.